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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1211 OF 2007

Smt.Shamal Gajanan Chitale & anr. Petitioner
versus
Smt.Yamuna Vinayak Chitale
and others Respondents

Mr.M.L.Patil for petitioner.
Mr.S.B.Shetye for respondents.

CORAM : A.S.OKA, J.
DATE : 06th March 2007

PC :

1. Perused the explanation submitted by the Section Officer. This is one more instance where it is brought to the notice of the Court that due to shortage of staff in the office, there is difficulty in processing the matters. The Registrar (Judicial-I) will look into this aspect and if necessary, submit appropriate report before the Hon'ble the Acting Chief Justice. No further action is called for.

2. By this writ petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 15th February 2007 on an application filed by him for framing additional issues. While disposing of the said

application at Exhibit-316, the learned Judge has observed thus:-

> "... ... After having heard arguments of both sides, I am of the opinion mainly controversy is depending upon legality/ illegality of the disputed sale-deed. Only after one has come to that conclusion then further issues would arise and not before that. Therefore parties are directed to complete their arguments and if at all some conclusion is drawn up and it is needed, request made by the Plaintiffs would be considered even then both sides would get fair opportunity to lead evidence and arguments the matter."

3. It is thus obvious that the learned Judge may frame the issues at a later stage if he finds that it is necessary to frame the issues. Considering the nature of the additional issues which are proposed in the application at Exhibit-316 it is obvious that if the learned Judge frames the issues at the later stage, he will give an opportunity to both the sides to lead evidence on the said issues.

4. Subject to what is stated above, no interference is called for. Petition is dismissed.

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(A.S.OKA, J.)